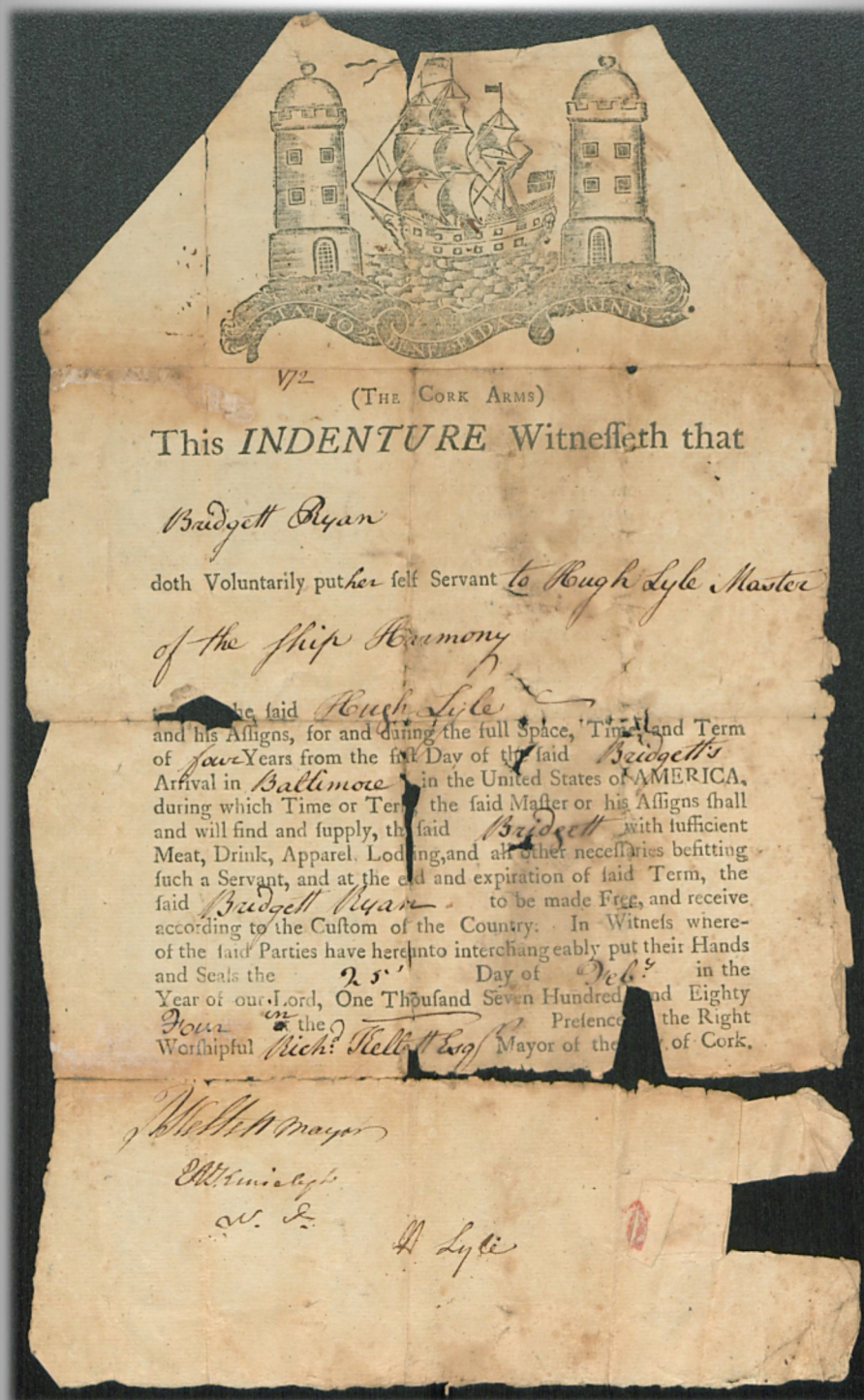


“Little Gems”



Clerk of the Circuit Court - Gary M. Clemens

Historic Records

Volume 3 Issue 1 January 2018

Land Records & Deed Research

Loudoun is one of only a few counties in the Commonwealth that has records dating from its formation in 1757 when it split from Fairfax County. The Historic Records and Deed Research division includes court records from 1757-1980's and land records from 1757-present. Research can be conducted by using both in-house and online databases as well as paper indexes. Our staff can provide guidance and suggestions to start your research but **cannot provide research services or legal advice**. To prepare for your visit please review our online links to indexes and county databases which provide a starting point in your records research.

If you Visit the Archives

There is a court order that establishes court security protocols that serve the best interests of all visitors to the various courts and court-related offices in the Courts Complex. Therefore, electronic mobile devices such as cellphones with cameras, laptop computers, and electronic tablets are currently not permitted in the Courts Complex. To assist the patrons of the Historic Records/Archives research room, the Clerk's Office provides computer workstations with internet access so our patrons can review the websites of other historic records museums and historic records research organizations to assist with research needs in the Clerk's Office.

On the Cover:

Bridgett Ryan agreed to be indentured for a term of four years on February 25, 1784 in Cork, Ireland. Traveling on the ship Harmony, and indentured to the ship master named Hugh Lyle, Ryan arrived in the Baltimore Harbor on May 11, 1784. Additional documents in Bridgett Ryan's file in the Indentured Papers shows that her indenture was at some point sold to Adam Mitchel of Loudoun County. She petitioned the Court for her freedom dues in 1788, and was awarded £3.10 plus costs in September of the same year.



“Little Gems”

INSIDE THIS ISSUE:

<i>The Manager’s Order Book</i>	3
<i>Remembering the Honorable John Richard Kirk</i>	4
<i>“Little Gem” A Trip to Williamsburg?</i>	5
<i>Bridget Conner: Criminal For Life or Misunderstood?</i>	6
<i>Family Tree Research</i>	9
<i>...do grant and sell unto the said Henson Smith...</i>	11
<i>Word Find</i>	13
<i>Cartoon</i>	14
<i>2018 Programs and Newsletters</i>	15

Ship drawing from an advertisement in the Maryland Gazette, Thursday, October 19, 1752, Image No. 185, *Maryland Gazette Collection* MSA SC 2731, January 2, 1752—October 19, 1758, M 1279, A publication of the Archives of Maryland Online

Historic Records and Deed Research Staff

Gary M. Clemens,
Clerk of Circuit Court

Eric Larson,
Historic Records Manager

Sarah Markel,
Historic Records Clerk

Alyssa Fisher,
Historic Records Clerk

Clerk of the Circuit Court
Attn: Historic Records
P.O. Box 550
Leesburg, VA 20178
703-737-8775
Email
Clerk-Archives@loudoun.gov

Volunteers
John Fishback



THE MANAGER'S ORDER BOOK:
BY ERIC LARSON, HISTORIC RECORDS MANAGER

Preparing Tomorrow's Historic Records

In the last two years, most of Historic Records' scanning and indexing projects focused on the court's 18th and 19th century records. In 2018, Historic Records will shift our scanning and indexing projects towards the court's 20th century highway plats, plat index book (1757-1980s) and Land Tax Books (1992-present). The reason for this new direction is directly related to the county's rapid growth which has led to a dramatic increase in the demand of such records by the public and title researchers.

Beginning in the fall of 2017, staff started indexing the 1757-1980s plat index book. This index book provides all of the county's subdivision plats and utility easements prior to 1969 that are not currently indexed on the clerk's Land Records System. Once the indexing is complete this book will be conserved and scanned.

An even larger indexing project involves the county highway plats from the 1950s-present. The highway plats are widely used by utility companies and title researchers looking for easements, especially in sections of the county where data centers and the metro extension are being built.

The scanning of the more recent Land Tax Books started in 2017, and will continue throughout 2018. The county's Land Tax Books are in three formats: paper (1851-1991), microfiche (1992-2000), and digital (2001-present). The microfiche format will be the first section of the tax books scanned. Microfiche is not user friendly, and the pages cannot be printed from the microfiche machine. When scanning is complete the microfiche tax books will be available to staff in PDF format.

This project is an example of taking preservation steps of current court documents and preparing them for tomorrow. Who knows 200 years from now the public may be researching long forgotten data center locations, easements and taxes to see how these structures impacted the population, employment, land usage and culture in Loudoun.

Remembering the Honorable John Richard Kirk

By Gary M. Clemens, Clerk of the Circuit Court



The Honorable John Richard Kirk, 77, of Middleburg, died Dec. 21. Mr. Kirk was born on May 2, 1940 in Upperville, Virginia and he was a lifelong resident of Middleburg. The public service of Richard Kirk spanned five decades as he commenced working as a file clerk in the Loudoun County Circuit Court Clerk's Office in 1959 shortly after graduating from Loudoun County High School.

During his service in the Clerk's Office, Mr. Kirk was promoted to a deputy clerk and then appointed as the Chief Deputy Clerk for the Honorable Fred Howard during Mr. Howard's term as Clerk of the Circuit Court. Following the retirement of Mr. Howard in 1991, the Circuit Court judges appointed Mr. Kirk to serve as Clerk of the Circuit Court until the next November election was held in 1991. He ran unopposed and served one eight year term before retiring in 1999. As the Clerk of the Circuit Court, Mr. Kirk took action to commence the modernization of the office.

The office stopped issuing handwritten receipts for filing fees, recordation taxes and other clerk's office fees and introduced the use of computer terminals for the first time. The Clerk's Office also started using the Supreme Court's case management system for the indexing of court pleadings and files, scheduling of cases and other case management processes and stopped book and paper cataloging of case information and case history. Mr. Kirk enjoyed helping others and demonstrated true public service during his tenure as Clerk of the Circuit Court.

After retiring, Mr. Kirk remained active as a civil celebrant, a real estate agent and substitute teacher in the Loudoun County schools. In 2009, he was named the Loudoun County Elementary School Substitute of the Year.

He married Betty George Kirk in 1968 and they raised two sons, John Richard Jr. and Justin. In addition to being survived by Betty and his sons, Mr. Kirk is survived by two daughters-in-law and three grandchildren. Richard loved his family dearly. He was a member of the Middleburg United Methodist Church, served on the board of directors of the Middleburg Community Center, participated as a docent at the Middleburg Pink Box Visitor's Center and was a member of the Middleburg Museum Committee.

Little Gem: “A trip to Williamsburg?”

By Sarah Markel

Did you know that during colonial times prisoners were often sent to the capitol city of Williamsburg? Why you may ask? Well, when a person was found guilty of a felony at the county level the justices could send the case to Williamsburg for further trial. Or, upon being found guilty a prisoner could appeal his or her case up to the higher court.

The Sheriff of the county would arrange for a prisoner to be transported to Williamsburg. Once in Williamsburg the prisoner would be kept in the Goal until called for trial. As the courts only met a few times a year a prisoner could be held for months. Once the prisoner was called for trial the Governor would usually preside with his council sitting in judgment.¹

The prisoner would have then been brought to the bar and charges were read. The prisoner was then asked how they plead. If the prisoner refused to plead they were found guilty and sentenced to be hanged with no further trial as it was assumed they were guilty. If the prisoner pled then the trial continued with evidence presented and witnesses called.² At this point the prisoner would be found guilty and sentenced or found innocent and would have to find his or her own way home. If found guilty the prisoner could be put to death, fined, or given some other means of public shame for the crime. If this was the prisoners first time committing the crime he or she may claim “benefit of Clergy.” The prisoner would read a particular passage from the bible or for some recite it from memory and the court would lessen the punishment i.e. if sentenced to death the prisoner would be branded on the hand with a letter pursuant to the charge and then sent home. The catch was that there was not a second chance. If you were found guilty of stealing for a second time and sentenced to a lashing or even death you could not be forgiven again, and you would have to face the punishment given.³

In Loudoun County Order Book F page 584-585 you will find an order regarding one Mannasses McGahey. He is charged with the murder of Simon Grossman. “Mr. McGahey was brought before the bar on the 12th day of March in the year of our Lord One Thousand Seven Hundred and Seventy Six.” The charges were read against Mr. McGahey and when asked his plea, he stated not guilty. At this point the justices called three witnesses to the alleged murder, Richard Hopkins, Abraham Peters, and David Beatey. The witnesses gave their statements and were questioned, followed by Mr. McGahey’s defense. After all were heard the justices decided that Mr. McGahey was guilty of murder and was ordered to be taken to the Capital City of Williamsburg to stand trial for such at the next General Court. What were the reasons leading up to the murder and what was the outcome? Well, you will have to wait until our next edition of “Little Gems” to find out.



"T" for thief was branded on the light-fingered criminal's hand. - Photo by Dave Doody
www.history.org/foundation/journal/spring03/branks.cfm

1. Breing, James. “Trial By Jury.” *Trial By Jury: The Colonial Williamsburg Official History & Citizenship Site*, Colonial Williamsburg, CW Journal, Spring 2008, <http://www.history.org/foundation/journal/spring08/trials.cfm> (accessed December 29, 2017).

2. Rankin, Hugh F. “Colonial Williamsburg Digital Library.” The General Court of Colonial Virginia | Colonial Williamsburg Digital Library, Aug. 1958, <http://research.history.org/DigitalLibrary/view/index.cfm?doc=ResearchReports%5CRR0088.xml&highlight> (accessed December 29, 2017).

3. Cox, James A. “Bilboes, Brands, and Branks: Colonial Crimes and Punishments.” *Colonial Crimes and Punishments: The Colonial Williamsburg Official History & Citizenship Site*, Colonial Williamsburg, CW Journal, Spring 2003, www.history.org/foundation/journal/spring03/branks.cfm (accessed December 29, 2017).

Bridget Conner: Criminal for Life or Misunderstood?

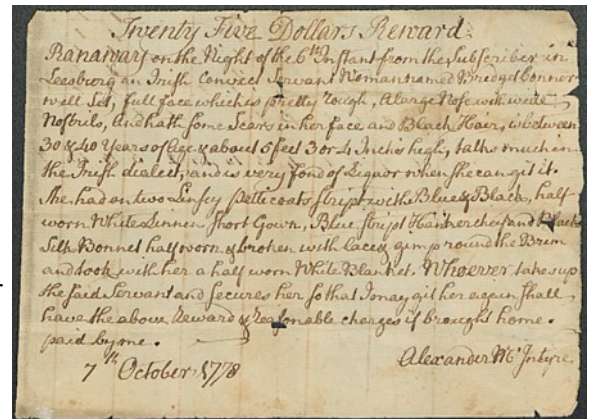
By Alyssa Fisher

On October 7, 1778, Alexander McIntyre of Leesburg, advertised a \$25 reward to anyone who found his runaway "Irish convict servant woman named Bridget Conner." McIntyre described Conner's features as "well set, full face which is pretty rough, a large nose with wide nostrils, and hath some scars in her face and black hair." Estimated to be between the ages of 30 years and 40 years old, and "about 5 feet 3 or 4 inches high," Conner reportedly spoke "much in the Irish dialect," and was "fond of liquor when she can git [sic] it." The advertisement also provides detail of what Conner wore when she left including "two Linsey petticoats stript [sic] with blue & black, half worn, white linnen [sic] short gown, blue stript [sic] hankerchief [sic] and black silk bonnet half worn & broken with lace & gimp round the brim." She also apparently "took with her a half worn white blanket." While unflattering, this written description is one of the few advertisements included in files in the Indentured Papers. Most advertisements of this sort are found solely in the newspapers that published them. Unfortunately, this description is probably the only depiction of Bridget Conner that exists. Given the circumstance, it is understandable why McIntyre would choose unflattering qualities to describe her, but the bias in his choice of words, be them true or not, should be viewed with a critical eye.¹

McIntyre caught up with Conner about three weeks after she had left. On November 10, 1778, he submitted an account of the expenses incurred during his search for her. These expenses included the use of a horse and feed, as well as travel expenses including food, lodging, and ferriage. He included the cost for the advertisement, drawn up by Joseph Morehane, the cost for an additional advertisement in Winchester, as well as the cost for hiring men in various towns to assist with the search. Conner had to pay McIntyre back for the number of absent days and additional expenses. Virginia Law at the time of Conner's absence stated:

And that every runaway servant, upon whose account any reward shall be paid for taking up, shall serve his or her master or owner, after all other time of service due shall be expired, one month and an half for every hundred pounds of tobacco so paid, or to be paid, and for all necessary disbursements and charges expended in pursuit and recovery of such runaway, and moreover, shall serve double the time of his or her absence, to be adjudged and allowed by the court of the county where the owner resides, or where the runaway is kept, at the next court held after his or her recovery, he or she being also brought before them; but if the owner neglects so to do, the court may allow or reject such claim, as to them appears just, without any appeal.²

On December 14, 1778 the Court determined Conner owed McIntyre "thirty six pounds, six shillings, and twenty one absent days," and that she would have to "serve her said Master after her time by Indenture or otherwise required by Law, Tobacco rates at five pounds per hundred by rule of Court." While the advertisement in search of Bridget Conner, and the account of expenses for her absence provide some information about her and the situation, they do not provide insight into why she may have run away.³



McIntyre's advertisement for a runaway servant named Bridget Conner.

Bridget Conner, Indentured Papers, Loudoun County Clerk's Office

1. Bridget Conner, 1778, Indentured Papers, Loudoun County Clerk of the Circuit Court.

2. William Waller Hening, *The Statutes at Large; being a Collection of all the Laws of Virginia, from the First Session of the Legislature, in the Year 1619* Vol VI (Richmond: The Franklin Press, 1819), 367-368.

3. Bridget Conner, 1778, Indentured Papers; McIntire vs. Conner, December 14, 1778, Loudoun County Clerk of the Circuit Court, Order Book G, 134.

McIntyre’s advertisement does nothing to describe any of Bridget Conner’s good qualities. The first phrase used to describe her as an “Irish Convict Servant” immediately placed a mark against her. The Transportation Act of 1718 established an easier method by which British courts could have convicted felons transported to America and contracted out to individuals in the colonies for a term of seven years. William Eddis who wrote about his observations of the customs in the colonies from 1769 to 1777, witnessed the lives of convicted indentured servants. He wrote:

These unhappy beings are, generally, consigned to an agent, who classes them suitably to their real or supposed qualifications; advertises them for sale, and disposes of them, for seven years, to planters, to mechanics, and to such as choose to retain them for domestic service. Those who survive the term of servitude, seldom establish their residence in this country: the stamp of infamy is too strong upon them to be easily erased: they either return to Europe, and renew their former practices; or, if they have fortunately imbibed habits of honesty and industry, they remove to a distant situation, where they may hope to remain unknown, and be enabled to pursue with credit every possible method of becoming useful members of society.⁴

There is no evidence in Bridget Conner’s file to suggest what crime she may have committed, at what time she originally arrived in Virginia, or if Alexander McIntyre was her first master in the colonies. It is notable though, that whether she truly possessed those characteristics or not, McIntyre, and perhaps others did not think highly of her.⁵

Documents in Bridget Conner’s indenture file began in October of 1778, though the earliest record of Conner in Loudoun was recorded in the order books a few months earlier; one on June 9, 1778, another on August 11, 1778. In June, the Court ordered Conner to serve her master McIntyre until she paid him back “five pounds nineteen shillings and nine pence according to Law and seventeen absent days.” Conner apparently had run away prior to her October absence. Additionally the Court ordered her to serve McIntyre “one year for having a Base Born Child in the time of her servitude.” According to Virginia law, female servants who had base born (illegitimate) children during their time of service had to pay for “the loss and trouble occasioned her master or mistress” with one additional year of service, or “one thousand pounds of tobacco.” The father of the child by law paid the churchwardens of the parish to keep the child. Unfortunately, in Bridget Conner’s case, the father is not known, nor is there any other record of her child. The court ordered Conner to pay McIntyre an additional “thirteen pounds nine shillings and eight absent days” on August 11, 1778. She apparently ran away again, though no additional information is found in the records.⁶

McIntyre’s report of his search for Conner in October of 1778 reflects that he believed she travelled west. McIntyre hired men from Shepherdstown, Martinsburg, Winchester, and New Town (now Stephen’s City), all west of Leesburg, to assist in the search. It is plausible that Conner ran away to find her child, or the father of her child, though there are no other records that indicate where the child may be if it survived, or the name of the father. Considering Eddis’ account of servant life, perhaps Conner travelled west to escape to less populated areas of the Virginia backcountry in an attempt to start a new life.⁷

4. William Eddis, *Letters from America, Historical and Descriptive; comprising occurrences from 1769 to 1777, inclusive* (London: C.Dilly, 1792), 66-67.

5. Bridget Conner, 1778, Indentured Papers; Danby Pickering, *The Statutes at Large, from the Twelfth Year of Queen Anne, to the Fifth Year of King George I.* Vol. XIII (Cambridge: Joseph Bentham, 1764), 471-475; Emily Jones Salmon, “Convict Labor during the Colonial Period,” *Encyclopedia Virginia*, Virginia Foundation for the Humanities (October 27, 2015) http://www.EncyclopediaVirginia.org/Convict_Labor_During_the_Colonial_Period (Accessed December 12, 2017).

6. McIntire vs. Conner, June 9, 1778, Loudoun County Clerk of the Circuit Court, Order Book G, 109; McIntire vs. Conner, August 11, 1778, Loudoun County Clerk of the Circuit Court, Order Book G, 118; Hening, 360-361.

7. Bridget Conner, 1778, Indentured Papers; Thomas Jefferson, Samuel John Neele, and John Stockdale, *A map of the country between Albemarle Sound, and Lake Erie, comprehending the whole of Virginia, Maryland, Delaware and Pennsylvania with parts of several other of the United States of America*, London, John Stockdale, 1787, Map, Retrieved from the Library of Congress, <https://www.loc.gov/item/74691933/> (Accessed December 15, 2017).

1770. Bridget Bonner. Account Current with me
to Alexander McGeorge Dr

To Your Remo. 2 Weeks before 9 th Feb. to the 30 th not following. as follows	£ 1. 0
To my Invoice 12 Days at 8/6 p Day	4. 16. 0
To a Horse at 6/6 p Day	3. 12. 0
To my Expenses in the following Articles p Day	
W th Lodging 1/6	
Morning Dinner 3/4	
Breakfast 1/4	
Postage 1/4	
1 Set Ch ^{rs} 2/6	
Wine 1/4	
Beer 1/4	
1 Set Ch ^{rs} 2/6	
Grass 1/4	
Supper 1/4	
Stables 2/6	
£ 7. 19. 6 p Day. 12 Days is	23. 14. 0
To Lodgings & Cellars is 12	12. 0
To Paid Joseph Morehouse for writing	10. 0
To Advertisement in 2 nd & 3 rd & Cellars	
To Paid a Man at Capthams Town for Spitting	12. 0
To Paid Robert the Journal Keeper for Assistance at the Antient Church Winchester & 2 nd Town	1. 16. 0
	36. 0. 0
To Paid for advertisements made at Winchester	6. 0
	£ 36. 6. 0

Bridget Conner, Indentured Papers,
Loudoun County Clerk's Office

The kinds of activity taking place at McIntyre's home, where Conner lived and worked, may not have promoted upstanding behavior. In October of 1770, John Heryford made a complaint stating "Alex^r McIntyre, ordinary keeper in this Town keeps a disorderly house, and suffers unlawfull [sic] gaming therein, and games himself contrary to the Acts of Assembly." In 1773, McIntyre was charged with swearing a profane oath. Charges for "Permitting unlawful gaming in his house," appear in an order book for 1781 and 1785, and beginning in 1784, McIntyre had charges brought against him for "retailing liquor without a license," which continued with his wife Jane even after McIntyre's death.⁹

On April 11, 1781 a record in an order book shows Bridget Conner made complaint “against her Master Alexander McIntire for detaining her in Servitude.” The court dismissed the complaint. No other record after 1781 is found in the archives regarding Conner. It is unclear what may have happened to her after 1781, or how much longer she remained an indentured servant. Perhaps she finally served her full indenture and had the opportunity to be legally free once more. Though most of the records for Bridget Conner do not provide a positive view of her, other documents can shed light on the kinds of circumstances, people, and environments that surrounded her which may have influenced her behavior.¹¹

9. The King vs. Alexander McIntyre, Loudoun County Clerk's Office, Loudoun County Criminal Papers, CR 1771-008; Grand Jury Presentments, Alexander McIntyre, Loudoun County Clerk of the Circuit Court: November 11, 1771, Order Book F, 276; May 15, 1781, Order Book G, 363; November 9, 1784, Order Book H, 427; May 10, 1785, Order Book H, 501-502; May 8, 1786, Order Book I, 207; August 15, 1786, Order Book I, 297; March 13, 1787, Order Book K, 43; November, 13, 1787, Order Book K, 324; May 12, 1788, Order Book K, 423; Grand Jury Presentments, Jane McIntyre, Loudoun County Clerk of Circuit Court: May 11, 1789, Order Book L, 184; August 11, 1789, Order Book L, 246.

11. Bridgett Conner vs. Alexander McIntyre, April 11, 1781, Loudoun County Clerk's Office, Order Book G, 333.

Family Tree Research: By Sarah Markel

Court records can provide great insight when trying to compile your family tree. Deeds can show where a family lived within the county. Wills can show family ties, providing names of children, cousins, and even aunts and uncles. If a family was renting land they would not show up in the Deeds, but you may find them in the Tithables. Tithables are a list of taxes paid on men and slaves in a particular household. Although, Tithables do not tell you where they lived it does allow you to place a family in the area and time period.

While most people know to look through Wills, Deeds, and Tithables few think to look through the Chancery cases. Chancery cases are court cases where people are disagreeing about something usually money. In looking through the documents in the case very often you can find long lost relatives that wanted a stake in the estate. This is a great way to find relatives for a family tree that you may not have known to look for.

According to the Library of Virginia website (<http://www.virginiamemory.com/collections/chancery/faq>) there are three fundamental pieces of a chancery cause:

Bill, Bill of Complaint, or Bill of Injunction- This first step in instituting a chancery cause outlines the complaint of the plaintiff (also referred to as the complainant or the orator/oratrix) against the defendant.

Answer- The defendant's response to the complaint in the bill, which may deny all of the allegations, take exceptions to some, or otherwise explain the actions of the defendant. The defendant can choose not to file an answer, in which case the Bill is "taken for confessed."

Final Decree- The judge's final decision on the case.

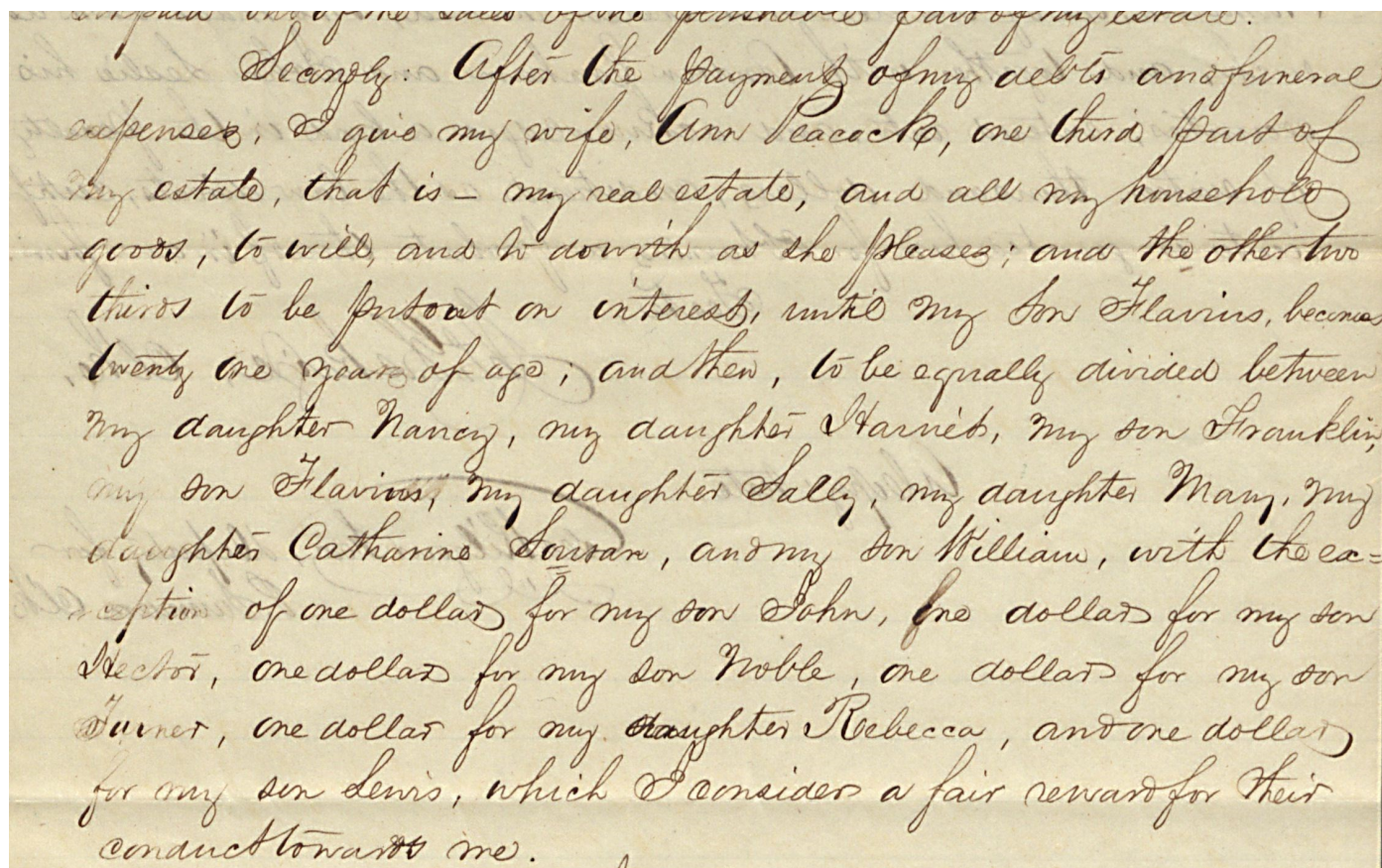
While the above documents provide the "meat" of the case, there are other documents that may appear that are very helpful in family tree research. Subpoena's, Depositions, Affidavits, Commissioner's Reports, Plat's, Decrees, and even Wills, Receipts, or Exhibits.

The Clerk of the Circuit Courts Office has the original Chancery cases for customers to review from 1757 thru the early 1940's. The Clerks of the Circuit Court has provided an on-line index to the Chancery cases available at: <https://www.loudoun.gov/index.aspx?nid=3425>. The Library of Virginia has made digital copies of the Chancery cases from 1757-1912, and they are available on-line by county at: <http://www.lva.virginia.gov/chancery>.

The Historic Records team is in the process of numbering all of our loose papers. In the process of numbering the Chancery papers one of my colleagues came across a particularly amusing case. In Chancery case number 1854-017 Eliza Ann Peacock vs. Exr. Of Elijah Peacock etc. we see a family disagreement over how the estate of Mr. Peacock was divided up in his will.

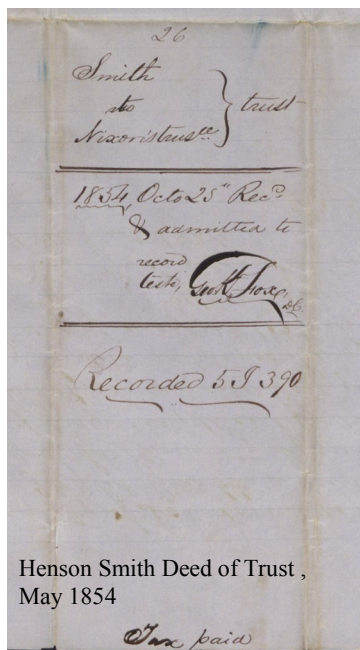
Mr. Peacock's will is among the papers of this case. He starts by asking all of his debts to be paid up on his death. He then states "After the payment of my debts and funeral expenses, I give to my wife Ann Peacock, one third part of my estate, that is my real estate, and all my household goods, to will and to do with as she pleases; and the other two thirds to be put out on interest, until my son Flavius, becomes twenty one years of age; and then, to be equally divided between my daughter Nancy, my daughter Harriet, my son Franklin, son Flavius, my daughter Sally, my daughter Mary, my daughter Catherine Susan, and my son William, with the exception of one dollar for my son John, one dollar for my son Hector, one dollar for my son Noble, one dollar for my son Turner, one dollar for my daughter Rebecca, and one dollar for my son Lewis, which I consider a fair reward for their conduct towards me." (See image below)

To a genealogist this provides a wealth of knowledge as to Mr. Peacock's wife's and children's names. Along with knowing how much real property was owned, and a rough estimation of the children's ages as one is still an infant under the age of 21. But more than that it brings into question what had some of his children done to make him leave them only one dollar. This file does not answer that question but does provide for a good family story.



After the payment of my debts and funeral expenses, I give my wife, Ann Peacock, one third part of my estate, that is - my real estate, and all my household goods, to will and to do with as she pleases; and the other two thirds to be put out on interest, until my son Flavius, becomes twenty one years of age; and then, to be equally divided between my daughter Nancy, my daughter Harriet, my son Franklin, my son Flavius, my daughter Sally, my daughter Mary, my daughter Catherine Susan, and my son William, with the exception of one dollar for my son John, one dollar for my son Hector, one dollar for my son Noble, one dollar for my son Turner, one dollar for my daughter Rebecca, and one dollar for my son Lewis, which I consider a fair reward for their conduct towards me.

...do grant and sell unto the said Henson Smith... By Eric Larson



Recently, the Historic Records' staff was reviewing the 1850s deed packets looking for deeds concerning slavery in Loudoun County. In deed packet 5I (Original deeds from Deed Book 5I) staff found a unique Deed of Trust concerning a Free Black and his enslaved wife. The trust was dated October 25, 1854 and was from Henson Smith to Jonas P. Neer and James W. Nixon in the amount of \$300. What was unusual about this trust was that Henson Smith, a Free Black, used his enslaved wife Lydia as collateral in the above trust.

*...the said Henson Smith hath granted and sold and by these presents do grant & sell to the said Jonas P. Neer his heirs & assigns all the rights title interest of him the said Henson Smith in and to a mulatto woman named Lydia A. Smith the wife of said Henson; and being the same conveyed to him by Martha Hepburn the 26th day of May 1854.*¹

Finding a Deed of Trust with slave(s) listed as collateral was not unusual, but a trust where a husband listed his enslaved wife as security, was extremely rare. In the decades leading up to the Civil War, many slave owners in the south were using their slaves as security to acquire funding for land purchases and to pay off

debts and judgments.² For example, a land owner with one slave was often wealthier than those who owned land but no slave(s).³

Henson Smith purchased his enslaved wife Lydia from Martha Hepburn for \$300 in a Bill of Sale Deed dated May 26, 1854,. ... *I (Martha Hepburn) do acknowledged and have granted bargained and sold and by these presented do grant and sell unto the said Henson Smith a mulatto woman named Lydia A. the wife of the said Henson...* ⁴

Who was Henson Smith and Lydia A.? In the 1857 List of Free Blacks for District 2, Henson was listed as 35 years old.⁵ District 2 was the taxing district that bordered along the Fauquier and Prince William county lines and included the towns of Aldie and Middleburg. In the 1853-1859 Birth Register he was listed as a free black laborer who lived "near Hillsboro near H. Beans."⁶ However, no other Loudoun court records were found that provides information on his birthplace, and if he was born free or freed at a later date.

Lydia was one of three slaves owned by Martha Hepburn.⁷ Hepburn's will, written in 1851, (She died in January 1856) and probated in July 1856, lists three slaves, Lydia A., Lettis and Gabriel who all had the last name of Fields. Lydia A. was still the property of Martha Hepburn at the time the will was written three years before her sale to Henson Smith. Like her husband Henson, no records were found on Lydia of where she was born or how Martha Hepburn came to own her.

¹ Clerk of the Circuit Court, Loudoun County Virginia, Deed Book 5I, 390

² There were 670 slave owners in Loudoun in 1860 of which 124 owned only one slave. From *Frontier to Suburbia : Loudoun County Virginia One of America's Fastest Growing Counties*, Charles P. Poland, 2005, p 132-133

There were 187,336 slave holders in 1860 that owned 1-4 slaves which was the largest group of slave owners in the south , *Measuring the Slavery in 2016 Dollars*, Samuel H. Williamson, Louis P. Cain, Loyola and Northwestern Universities, <https://www.measuringworth.com/slavery.php>, 25

³ *Measuring the Slavery in 2016 Dollars*, Samuel H. Williamson, Louis P. Cain, Loyola and Northwestern Universities, <https://www.measuringworth.com/slavery.php>, 24-25

⁴ Clerk of the Circuit Court, Loudoun County Virginia, Deed Book 5I, 287

⁵ Clerk of the Circuit Court, Loudoun County Virginia Free Black Papers, 1857-02

⁶ Clerk of the Circuit Court, Loudoun County Virginia, Birth Register, 1853-1859, 90

⁷ Clerk of the Circuit Court, Loudoun County Virginia, Will Book, 2L, 201-202

The 1853-1859 Death Register lists Lettis dying from an unknown illness on May 20, 1856 at the age of 55.⁸ This brings up the question was Lydia A, Lettis and Gabriel family members. For now, that's impossible to determine, however, Martha Hepburn's will stated that her slaves willed to her granddaughters could not to be sold outside the family and were to be freed on December 25, 1868.⁹

Hepburn's probated inventory from October 1856 lists Henson Smith's \$300 note from May 23, 1854.¹⁰ Was Henson Smith still paying for his wife's freedom to Martha after he purchased her? This is very likely since her estate accounting listed future payments from a H. Smith in the amounts of \$80, \$40, \$30 and \$48.66 for the years 1857-1859.¹¹

It's unclear how Henson Smith met Lydia or when they married, but from the 1853-1859 Register of Births for Loudoun we know that they had two children. Their son James Madison Smith was born in August 1857 "Near Hillsboro" and their daughter Sarah Ann Elizabeth Smith was born August 5, 1859 at the "Residence of Parents."¹² Future research using other Virginia county records may answer the many questions on the Henson Smith and Lydia A. Fields families and reveal where they descended from.

In the name of God Amen!
I, Martha Hepburn, of the County of Loudoun & State of Virginia being sick & feeble in body, but of sound mind and memory, considering the certainty of death & the uncertainty of the time thereof, and being desirous of settling my worldly affairs so that I may be the better prepared to leave this world when it may please God to call me hence; do then give make this my last Will & Testament in the manner and form following that is to say:
First I will and bequeath unto my granddaughters Lettis Martha Eliza Gimmernman the daughter of my daughter Harriet Gimmernman dead; Gabriel Fields my slave willed to Edward D. Potter to have and to hold as his property until the 25th day of December eighteen hundred & sixty-eight, at which time he is to be emancipated if he wishes to be free, & will go to a free State; but if he the said Gabriel prefers remaining in bondage, or if he fails to leave the State within one year after his emancipation, then he shall remain the property of said Martha & Gimmernman & his heirs during his life; provided however that neither Martha & Gimmernman nor their claiming under her shall have power to sell said slave out of the family.
Secondly I will & bequeath unto my granddaughters Margaret Ann Gimmernman also daughter of my daughter Harriet Gimmernman my slave Lydia A. Fields willed at the date of this to James Gault, to have and to hold as her property until the 25th day of December 1868, at which time she the said Lydia A. is also to be emancipated if she desires to be free but if she prefers remaining in bondage; or if she fails to leave the State within one year after her emancipation, then she shall remain the property of the said Margaret A. Gimmernman & his heirs during the life of said Lydia A. provided however that the said Margaret A. Gimmernman nor their claiming under her shall have power to sell said slave out of the family; I give that my slave Lettis Fields who is somewhat advanced in years & Grandmother to the above named Gabriel & Lydia A. shall be sold as the property in common of my two granddaughters above named Martha & Margaret A. Gimmernman until the

Martha Hepburn's Will, 1856

20 Aug.	James Madison Smith
Aug 5	Sarah Ann Elizabeth
" Hillsboro'	Henson Smith F.W.
Lydia Smith	Mother

Entry from the Loudoun Birth Register 1853-1859 showing the birth of Henson and Lydia A. Smith's children, James Madison Smith (1857) and Sarah Ann Elizabeth (1859)

8 Clerk of the Circuit Court, Loudoun County Virginia, Death Register, 1853 1866, 12

9 Clerk of the Circuit Court, Loudoun County Virginia, Will Book, 2L, 201-202

10 Clerk of the Circuit Court, Loudoun County Virginia, Will Book, 2L, 221

11 Clerk of the Circuit Court, Loudoun County Virginia, Will Book, 2P, 140-141

12 Clerk of the Circuit Court, Loudoun County Virginia, Birth Register, 1853-1859, 90, 115

W I T N E S S E S A E A G R H C
 R I N G W R A E L C T O G U E C
 S O L D E I O N O G A W R N P R
 R M R L E M F S L T T I O A B I
 E V I D E N C E S L S L S W U M
 M C P T E E T D H M E L S A R E
 A O A E H R E U E R A I M Y N N
 N N N S A D T F R E E A A S Y T
 C N M E E C E T I E D M N N E R
 I E A V Y T O B F R D S U R H O
 P R C A F R L C F R F B C O A P
 A N G L G U S L K E E U I B G S
 T R U S T O R D I N A R Y E C N
 I L E L L C A D E E R G E S M A
 O L O E R C O L L A T E R A L R
 N C E M C I N T Y R E R A B F T

Can you find these words in the puzzle above?

BASE BORN
 CASE
 COLLATERAL
 CONNER
 COURT
 CRIME
 DEED
 EMANCIPATION
 ESTATE
 EVIDENCE
 FREE

GOAL
 GREED
 GROSSMAN
 HEPBURN
 INDENTURED
 MCGAHEY
 MCINTYRE
 MONEY
 ORDER
 ORDINARY
 PEACOCK

RUNAWAY
 SHERIFF
 SLAVE
 SMITH
 TRANSPORT
 TRUST
 WAGON
 WIFE
 WILL
 WILLIAMSBURG
 WITNESSES

Historic Records 2017 Stats

Patrons-5,576 (Includes 725 visitors for special events and tours)

Emails-1,295

Mail-1,372

Phone-4,203

Total Copies Made- 30,574

Volunteer Hours-629.3

Total Scans-15,605

Notice: Report has been received from volunteer John Fishback that a squirrel has been spotted in the ceiling of the scanning room. Reports indicate that Mr.

Fishback was hard at work mending the Land Tax Books when he heard a strange noise in the ceiling. When he looked up he was greeted with the tiny face of a squirrel looking down at him. Reports further indicate that General Services was contacted, squirrel was located, and returned to its natural habitat. To our knowledge, both Mr. Fishback and the squirrel are doing well.



"They approached slowly, the little animal permitting them to come quite close, and then the children saw that it was indeed a squirrel." p. 15.

Image from Josephine Franklin, *The Martin and Nelly Stories: Little Bessie, the Careless Girl or Squirrels, Nuts, and Water-cresses* (Boston: Taggard and Thompson, 1864), vii.



Tell us about Your “Little Gems” of Loudoun County History.

Go to www.loudoun.gov/Clerk/LittleGems and complete the “Little Gems” Form. Future editions of our newsletter will highlight a “Little Gem” submitted by our readers. So get researching, the next spotlight may be your discovery!

Oh look! The court-
house provides
free lockers for
storing cellphones.

I read online
that we cannot
bring our cell-
phones into the
courthouse.

“Where is Archives?”

When customers arrive at the Archives front counter the first thing they say is, “Do you know that you are hidden in the basement?”

Stay tuned Archives fans for future additions of “Little Gems.” You never know where these Gentlemen’s adventures will take them next..



2018 PROGRAMS AND NEWSLETTERS

First Friday April 6, 2018-Horses, Trains, Planes and Automobiles: Transportation in Loudoun from 1757-present

This exhibition will display variety of documents from the court's historic records that explores the evolution of Loudoun's transportation and its impact on the county's growth.

First Friday June 1, 2018-Preservation Act IV

Learn from Historic Records staff and volunteers how the court records are conserved and made available to the public for research. The staff will demonstrate and discuss how records are preserved in-house and with contracted conservation companies.

First Friday October 5, 2018- Tales from the Crypt-Cemeteries in Loudoun County

Historic Records partners with Thomas Balch Library to display the history of Loudoun's public, private and family cemeteries.

2018 Newsletters

Be on the lookout in 2018 for new and exciting newsletters. If you have a topic you would like to see discussed in one of our newsletters, let us know!

All Open Houses will be held at: Court Complex 18 E. Market St. Leesburg Virginia



Have you had a chance to take the courtyard walking tour?

If not, you can pick up a courtyard map at the Clerk of the Circuit Court Historic Records, Thomas Balch Library, or the Loudoun Tourism Office.

You can also find the map online [here](#).